

**Minutes of the Special and Regular Meeting Of April 12, 2005**  
**Twin Pines Senior and Community Center, 1223 Ralston Avenue**

**SPECIAL MEETINGS**

**CLOSED SESSION - 6:30 P.M.**

- A. Conference with Labor Negotiator, Dan Rich, pursuant to Government Code Section No. 54957.6: 1) MMCEA, 2) AFSCME, 3)BPOA.

Attended by Councilmembers Feierbach, Bauer, Mathewson, Metropulos, Warden, Interim City Manager Rich, Interim City Attorney Zafferano, Finance Director Fil, Human Resources Director Dolan, and Larry Abelin (Negotiator). City Clerk Cook was excused from attending.

**ADJOURNMENT** at this time, being 7:20 P.M.

**Terri Cook**  
**Belmont City Clerk**

Meeting not tape recorded or videotaped.

**REGULAR MEETING**

**CALL TO ORDER 7:30 P.M.**

**ROLL CALL**

COUNCILMEMBERS PRESENT: Feierbach, Mathewson, Metropulos, Bauer, Warden

COUNCILMEMBERS ABSENT: None

Staff Present: Interim City Manager Rich, Deputy City Attorney Zafferano, Public Works Director Davis, Community Development Director Ewing, City Clerk Cook.

**REPORT FROM CLOSED SESSION (From earlier in evening, plus April 4 and April 8, 2005)**

Mayor Warden announced that direction was given, but no action taken, for the three Closed Sessions, as noted.

**SPECIAL PRESENTATIONS**

**Proclamation of Appreciation for Outstanding Public Service Rendered by Jannette Engel Member of the Library Steering Committee**

Mayor Warden stated that Ms. Engel was not able to attend the meeting, and that the Proclamation would be forwarded to her. He thanked her for her participation on the Library Steering Committee.

**Proclamation of Appreciation for Outstanding Public Service Rendered by David Braunstein Member of the Library Steering Committee**

Mayor Warden presented Mr. Braunstein with his Proclamation.

**David Braunstein**, Library Steering Committee, stated that he was proud to represent the Library Task Force as part of the Steering Committee. During a recent library site visit, he did not visualize the building, but saw all the people who participated in the process. He thanked the

current Council and previous Councils for their support of the project. He also thanked the City staff, Commissions, and volunteers in the Belmont community who participated. He is overwhelmed by the public trust given to him throughout this entire process. He looks forward to the completion of the project.

**AJOURNMENT at this time, being 7:40 P.M., to consider the Belmont Fire Protection District and Redevelopment Agency Agendas. Meeting reconvened at 8:12 P.M.**

### **COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS**

Councilmember Metropulos stated that he attended the Lions Club Police/Fire Awards dinner where a South County Firefighter and a Belmont Police Officer were recognized for extraordinary service. He announced that the American Cancer Society's July 16 Relay for Life Fundraiser would hold a Kickoff Rally at Notre Dame High School on April 13.

Councilmember Bauer stated that Notre Dame de Namur University recently honored Pam Clarke, owner of Merry Moppet/Belmont Oaks Academy, and that the University's theater arts program provided entertainment for the event. He also announced that a walk would be held on April 23, starting at Twin Pines Park, in memory of Irma Perez, the Ralston Middle School student who died a year ago from a drug overdose. He noted that the NFL Alumni Association would be sponsoring this event.

Councilmember Mathewson stated that he attended a Belmont Senior Volunteer luncheon. He thanked all the volunteers for their contributions.

### **AGENDA AMENDMENTS**

Councilmember Bauer requested the removal of the Minutes of March 8, 2005 for further review. City Clerk Cook stated she would review the tape of the meeting, make amendments as appropriate, and present them for approval at the next meeting.

Councilmember Mathewson stated he was not requesting the removal of an item, but wanted to make note of the Resolution honoring former City Attorney Savaree. He wished to thank her for her time and effort and many years of contribution to the City of Belmont.

### **CONSENT CALENDAR**

**Approval of** Minutes of the Special Meeting of March 11, 2005 (Closed Session), Special Meeting of March 15, 2005 (Closed Session).

**Acceptance of** Written Communications: 1) Received March 21, 2005, US Bankruptcy Court, In Re Blake of Chicago Corp., et al, Case 04-12002; 2) Received March 25, 2005 from Public Utilities Commission, PG&E's Notice of Filing of Application Requesting Pre-Deployment Funds.

**Approval of** Resolution 9647 Accepting the Work and Authorizing Issuance of a Notice of Completion for Phase I of the Belmont Library and Belameda Park Project, Peak Engineering, Inc., City Contract No. 463.

**Approval of** Resolution 9648 Declaring April 25 Through May 1, 2005 West Nile Virus and Mosquito and Vector Control Awareness Week.

**Approval of Resolution 9649 of Appreciation for Outstanding Public Service by Jean Savaree, City Attorney.**

**Approval of Resolution 9650 Approving City of Belmont Investment Policy.**

**ACTION:** On a motion by Councilmember Mathewson, seconded by Councilmember Bauer, the Consent Agenda was unanimously approved, as amended (removal of Minutes of March 8, 2005), by a show of hands.

## **OLD BUSINESS**

### **Priority Calendar - Step Two: Adopting the Calendar**

Interim City Attorney Rich stated that at the last meeting, Council ranked the Priority Calendar items. Project Description Forms have since been developed for all new items. Staff recommends that three projects be addressed in the next six months (Administrative Hearing Process for Code Enforcement, Planning Caltrain Station/Grand Boulevard, and Parks Open Space Master Plan), and the others placed “below the line” for future ranking. He also noted that a calendar had been developed for the next six months, which included the cancellation of the August 23<sup>rd</sup> meeting.

**ACTION:** On a motion by Councilmember Bauer, seconded by Councilmember Mathewson, and unanimously approved by a roll call vote to 1) approve the updated Project Description Forms as presented, and 2) approve the Priority Calendar as presented, including the cancellation of the August 23<sup>rd</sup> City Council meeting.

### **Additional Discussion and Direction Regarding City Attorney Services**

Interim City Manager Rich stated that options for city attorney services were presented to the City Council at a meeting several weeks ago. Interim City Attorney Zafferano has been appointed as Interim and has expressed his willingness to continue in that role. He reviewed the options available for ongoing attorney services, and recommended that updated data on costs for city attorney services be obtained before any permanent decision is made. He reviewed city attorney costs from various cities in the area.

Councilmember Mathewson stated that the City could not afford an in-house city attorney. He noted that an RFP (request for proposal) was not needed for a new contract, and supported making an offer to Interim City Attorney Zafferano.

Mayor Warden stated that he appreciates Interim City Attorney Zafferano’s work and advice, and an in-house city attorney is not a critical issue at this time.

Other Councilmembers stated they supported continuing with Interim City Attorney Zafferano’s services.

Interim City Attorney Zafferano expressed his appreciation for Council’s confidence. He stated he would like to continue in an Interim capacity and spend the next few months evaluating his firm’s services to the City of Belmont.

Council concurred to schedule a closed session in approximately two months to discuss contractual issues for city attorney services.

### **Discussion and additional Direction regarding Update of Hauling Permit**

Interim City Attorney Zafferano stated that additional information was being provided regarding vehicular weight limits. He reviewed hauling permit history, and noted that the proposed amendment includes an administrative approval process with a notification procedure.

In response to Council questions, Public Works Director Davis clarified that this ordinance affects only the hauling away of construction debris, and that delivery of materials is exempt from local regulation by the Vehicle Code. He stated that fees would be set forth in the Master Fee Schedule, based on vehicle weight. He clarified that the ordinance creates the ability to restrict the size of the vehicle based on street width.

Mayor Warden stated he supported restrictions for smaller streets, and that a 300-foot noticing requirement was not necessary for one-time use of debris boxes. Councilmembers Bauer and Feierbach concurred.

Council discussion ensued, and concurred that 50 yards of material would require a 10-day advance notice, 300' radius noticing, and the restriction in vehicle sizes on smaller streets.

Staff commented that this item would be agendaized at a future meeting as a Public Hearing for a first reading of the ordinance.

### **COMMISSION, COMMITTEE UPDATES, AND STAFF ITEMS**

#### **Consideration of Revisions to Council Protocols**

City Clerk Cook reviewed the proposed amendments to the Council Protocols. Discussion ensued regarding each section.

Regarding motions for extending a council meeting past 10:30, Council concurred with the proposed 30-minute extension increments. Councilmember Bauer suggested midnight as an absolute final adjournment time, since Council needs to make good decisions. Mayor Warden stated that items could be continued, if needed.

Discussion ensued regarding speaker time limits. Council concurred to increase the speaker time from two minutes to three minutes, and to increase the total time allocation for Public Comments from ten to fifteen minutes.

Discussion ensued regarding Planning Commission Appeal hearings and presentations by project applicants. Community Development Director Ewing stated that appellants needed sufficient time to defend their issue, and that ten minutes may be sufficient, to which Interim City Attorney Zafferano concurred. Council concurred to provide ten minutes for the appellant, ten minutes for the project applicant, if not the appellant, three minutes for each public speaker, and three minutes rebuttal for both the appellant and applicant.

Discussion ensued regarding project applicants appearing before Council. Mayor Warden stated that applicant time limits were different between Council and Planning Commission. Interim City Attorney Zafferano stated that there was a need for a defensible record, and reasonable time

should be given to applicants. Council concurred that an applicant be given ten minutes, and three minutes for rebuttal. Additional time may be granted for large projects, if arrangements are made with staff and the Mayor in advance of the Council meeting.

Council concurred with all other amendments as proposed. City Clerk Cook advised that the amended version of the Protocols would be approved at the next Council meeting via resolution.

**ADJOURNMENT** at this time, being 9:50 P.M.

Meeting tape-recorded and videotaped  
Tape No. 607

Terri Cook  
City Clerk

Minutes approved 5/10/2005